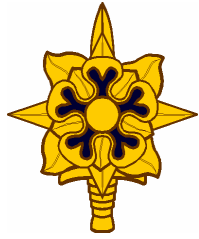


WHAT IS FOREIGN DISCLOSURE?



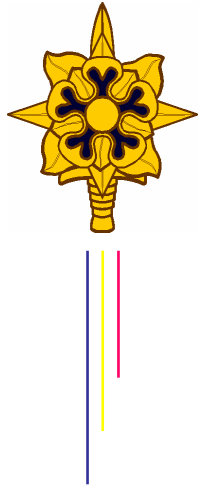
White House photo by Paul Morse



Disclosure...

*The transfer of classified military information through approved channels to an **authorized representative** of a foreign government or organization.* (page 2 NDP-1)

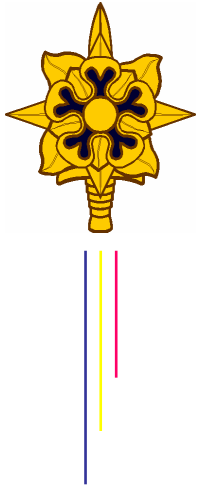
What is Disclosure..I'll Know it When I See It....



Disclosure vs Security

Disclosure is about doing the right thing

Security is about doing things right . . .



Legal Basis for Foreign Disclos

- **National Security Decision Memorandum (NSDM) 119** is basis for

disclosure of classified information to foreign governments.

- Defined classified information as a national asset.
- Established interagency National Disclosure Policy Committee (NDPC).

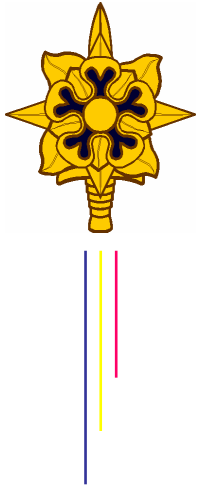
- **Arms Export Control Act (AECA)** is basis for export of defense articles

and services for commercial and government programs.

- Foreign sales consistent with U.S. foreign policy interests.

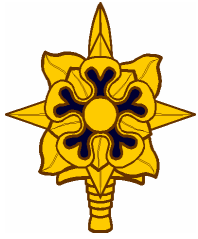
- **Executive Order 12958** established Executive Branch's National Information Security Program.

- Persons authorized to disclose information assure protection.
- Transfer of classified information to third party with originator's consent.



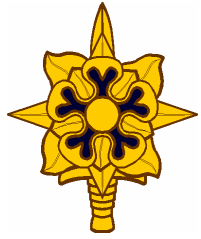
Basic Disclosure Criteria

- **Disclosure is consistent with U.S. foreign policy and National Security Objectives**
- **Disclosure is contingent upon security assurances provided by the foreign government**
- **Benefit to the U.S. is at least equivalent to the value of information disclosed**
- **Disclosure will be limited to information necessary to meet desired purpose.**



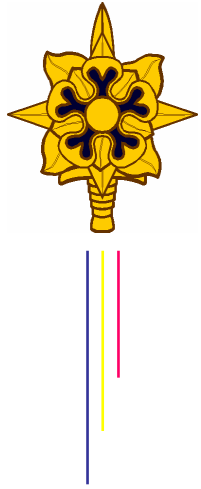
Disclosure Conditions

- No disclosure to a third party without that country's prior knowledge and consent
- Afford substantially same degree of security protection as U.S. affords
- Use information only for intended purpose
- Report known or suspected loss or compromise
- Access limited to individuals with need-to-know and security clearance
- Transfer via government-to-government channels



National Disclosure Policy (NDP-1)

- Issued by **Secretary of Defense** and governs disclosure of classified military information.
- Implements National Security Decision Memorandum (NSDM)-119 within executive branch:
 - Establishes **the National Disclosure Policy Committee (NDPC)**
 - Issues **policy guidance and procedures**.
 - Provides process for Exceptions to the NDP.
 - Promulgates **disclosure criteria, limitations**, etc.
 - Establishes requirement for General Security of Military Information Agreement (GSOMIA) or other bilateral security arrangement with foreign governments.



Classified Military Information (CMI)

- Information originated by or for DOD or its Components or is under their control or jurisdiction and requires protection
- Designated as TOP SECRET, SECRET and CONFIDENTIAL (EO 12958)
- Disclosures -- oral, visual, documentary
- Divided into eight categories



CATEGORIES OF MILITARY INFORMATION

CATEGORY 1: Organization, Training and Employment of Military Forces

CATEGORY 2: Military Materiel and Munitions

CATEGORY 3: Applied Research and Development Info

CATEGORY 4: Production Information

CATEGORY 5: Combined Military Operations, Planning and Readiness

CATEGORY 6: U.S. Order of Battle Information

CATEGORY 7: North American Defense

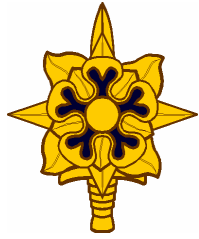
CATEGORY 8: Military Intelligence



Category 1

Category 1 (Organization, Training and Employment of Military Forces) -

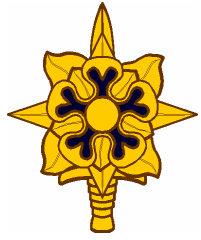
Military information of general nature necessary to organization of military, paramilitary, or irregular forces, to include those tactics, techniques, and tactical doctrine (including intelligence and counterintelligence) necessary to train and employ those forces. This category does not include specific technical data and training necessary to operate and maintain individual items of military materiel and munitions.



Category 2

Category 2 (Military Materiel and Munitions) --

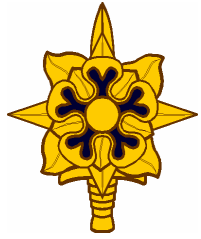
All military materiel, arms and munitions procured and controlled by USG for equipage, operation, maintenance and support of its military forces or military, irregular, or paramilitary forces of its allies. Items developed by U.S. private interests as result of USG contracts or derived from technology paid for by USG are included within this category. This category also comprises information to include technical data and training necessary to operate, maintain, or support specific military materiel, arms, or munitions.



Category 3

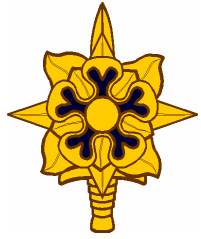
Category 3 (Applied Research and Development Information and Materiel) -

Military information resulting from extension of fundamental theories, designs, and data from purely theoretical or experimental investigation into possible military applications to include research, construction and testing of prototypes and such design changes affecting qualitative performance as may be required during service life of item. This also includes engineering data, general operational requirements, concepts and military characteristics required to adopt item for production.



Category 3 (Cont)

Development ceases when materiel has completed operational suitability testing or has for all practical purposes been adopted for military use or production. It includes tactics, techniques and tactical doctrine pertaining to specific equipment not yet in production or yet approved for adoption by U.S. forces.

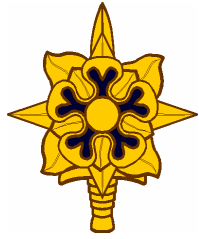


Category 4

Manufacturing Information -

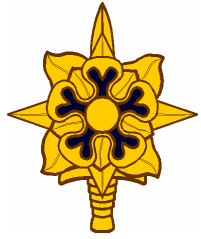
This includes know-how, techniques and processes required to produce or substantially upgrade military materiel and munitions.

Manufacturing process or technique is set of instructions for transforming natural substances into useful materials (metals, plastics, combustibles, etc.) or fabricating materials into aerodynamic, mechanical, electronic, hydraulic, or pneumatic systems, subsystems, and components. Software source code including related documentation that describes software or development know-how for particular U.S. warfare system which has completed Acquisition Milestone B or documentation used for



Category 4 (Cont)

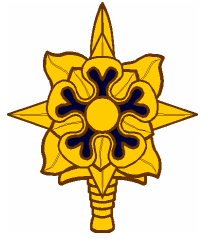
production thereof are considered to be design and manufacturing data and equivalent to Category 4 Production Information. Manufacturing data package describes how to manufacture, test and accept item being produced and what tools are required. Types of manufacturing information include drawings, process sheets, wiring diagrams, instructions, test procedures and other supporting documentation. Software source code and software documentation that contain or allows access/insight to classified algorithms or design rationale are considered to be manufacturing information.



Category 5

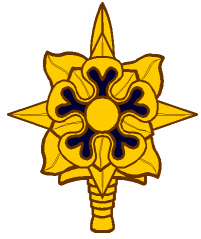
Category 5 (Combined Military Operations, Planning and Readiness) –

That information necessary to plan, assure readiness for and provide support to achievement of mutual force development goals or participation in specific combined tactical operations and exercises. Includes installations located within territory under jurisdiction of, or of direct concern to, recipient foreign government or international organization.



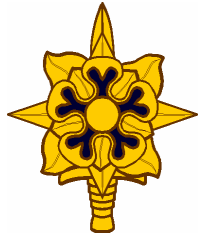
Category 6

Category 6 (U.S. Order of Battle) – Information pertaining to U.S. forces located within territory which is under jurisdiction of recipient government or is otherwise of direct concern to foreign government or international organization. In general, authorization for disclosure is limited to U.S. Order of Battle in recipient countries or in adjacent geographical areas.



Category 7

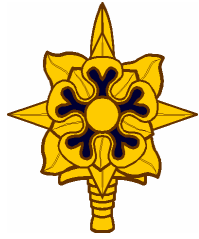
Category 7 (North American Defense) – North American Defense (NORAD) information concerning plans, programs, projects, operations, and certain specific technical data pertaining to equipment directly related to NORAD. It includes: (1) Plans and related documents prepared by combined U.S./Canada defense agencies; (2) U.S. operational and logistics plans for employment of reserve forces; and (3) Information revealing vulnerability of NORAD area, or vulnerability or official appraisal of combat readiness of any unit or facility, or effectiveness of NORAD systems.



Category 8

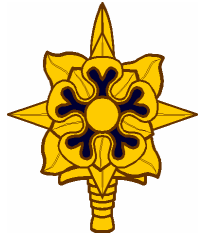
Category 8 (Military Intelligence) -

Military Intelligence comprises information of military character pertaining to foreign nations and is subject to criteria for disclosure of intelligence stated in NDP-1.



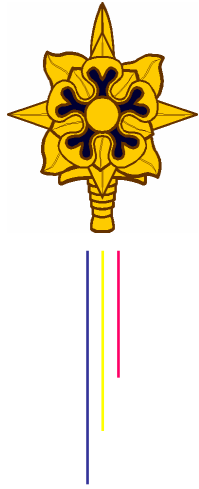
FALSE IMPRESSION STATEMENT

“ **Initial planning** with foreign governments and international organizations . . . might involve the EVENTUAL disclosure of CMI may be conducted ONLY if . . . understood and acknowledged that no US commitment to furnish such CMI or material is intended or implied until disclosure . . . approved. Accordingly, **proposals** . . . must be authorized in advance by designated disclosure officials in the departments and agencies originating the information.” **NDP-1**



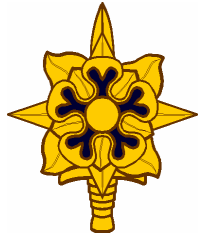
NDP Does **Not** Govern

- National Intelligence and Counterintelligence
- SIGINT
- Communications Security Equipment and Information
- Nuclear Information
- Narcotics Intelligence
- Strategic Planning and Guidance
- Information Prohibited by Law or Agreement
- Proprietary Information
- Atomic Information



***Prohibited* Disclosures**

- Officially Obtained Foreign Government Information
- Combined Information
- Joint Information
- Information Originated by or for Another Department or Agency



Army Policy Guidance

Army Regulation 380-10

Security

Foreign
Disclosure
and
Contacts with
Foreign
Representativ
es

Headquarters
Department of the Army
Washington, DC
6 June 2003

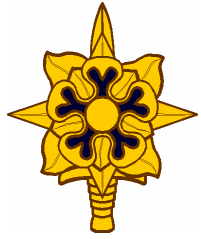
UNCLASSIFIED

Army implementation of DOD poli

Provides specific Army policy guid

Establishes Delegated Authority b

**Provides examples of Delegation o
Disclosure Authority Letters (DD**



Foreign Disclosure Officers

- Designated in writing
- Oversee and coordinate disclosures of CMI within commands or agencies
- Provide advice and assistance on foreign disclosure matters
- Cannot serve as Contact Officer